

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

TQP DEVELOPMENT, LLC

v.

1-800-FLOWERS.COM, INC., et al.

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Case No. 2:11-CV-248-JRG-RSP

**ORDER ON MOTION TO STRIKE**

Before the Court is TQP's Motion to Strike Newegg, Inc.'s "License" and "Patent Exhaustion" Defenses (Dkt. No. 359, filed October 21, 2013.) In its response, Newegg withdrew its license and exhaustion defenses based on the Microsoft license. (Dkt. No. 361, filed October 22, 2013). No reply or sur-reply briefing was filed. TQP's motion is therefore GRANTED. Newegg's "License" and "Patent Exhaustion" defenses are stricken.

**SIGNED this 4th day of November, 2013.**

  
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ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE